

UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF TENNESSEE
AT GREENEVILLE

VALERIE CARLSON, *ET AL.*)
)
)
)
v.) NO. 2:05-CV-44
)
)
WORLD TRUCKING, INC., *ET AL.*)
)
)

O R D E R

Before the Court is the motion of defendant Nasko Nazov to stay this civil proceeding pending the completion of a criminal proceeding in which Mr. Nazov is a defendant. [Doc. 45]. As a result of the collision which is the subject of this personal injury/wrongful death case, Mr. Nazov has been indicted in the Criminal Court for the Third Judicial District of Tennessee on four counts of reckless homicide, one count of driving a commercial motor vehicle without a valid commercial drivers' license, and one count of making false entries in his log book. At the time his motion was filed, the defendant advised that his trial on the criminal charges was set for May 11, 2006. This Court has not been advised of any continuance of that trial date.

Given the impending trial date on the criminal charges, it would appear that the defendant's motion will soon be moot. The defendant has raised

valid concern that if he is subjected to discovery in the civil proceeding prior to his criminal trial, he will be faced with the decision of either potentially incriminating himself in violation of his Fifth Amendment right against self incrimination, or be subject to a jury being permitted in these proceedings to draw an unfavorable inference against him for his failure to respond to questions which might have the result of incriminating him. A court may defer a civil proceeding pending the completion of a parallel criminal prosecution when the interests of justice so require. *United States v. Kordel*, 397 U.S. 1, 90 S. Ct. 763, 25 L. Ed. 2d 1 (1970).

In this particular case, the Court does not find that the interests of justice require the staying of the entire proceedings. This Court, the public, and the parties to this litigation have an interest in its prompt resolution. There are numerous plaintiffs involved in this case as well as several defendants. The Court has been presented with no compelling reason that discovery should not be permitted to proceed as to the plaintiffs and the other defendants in this case. Considering, in particular, that Mr. Nazov is expected to be tried in the criminal proceeding in the near future, this Court is of the opinion that the better remedy to address this defendant's concerns is to permit this case to go forward, but limit discovery as to Mr. Nazov. In the event that Mr. Nazov's criminal trial should for some reason be continued, this Court would consider a request to extend the

discovery deadlines at that time.

Accordingly, it is hereby **ORDERED** that the defendant's motion to stay is **DENIED**. It is further **ORDERED** that the parties to this litigation shall not, prior to the entry of a judgment in Mr. Nazov's criminal case, schedule any deposition of Mr. Nazov, or propound any interrogatories or other written discovery to Mr. Nazov.

ENTER:

s/J. RONNIE GREER
UNITED STATES DISTRICT JUDGE